

APPENDIX A

1 -48. (Canceled)

49. (Previously Presented) Apparatus for preparing a space in the human spine to receive an insert between adjacent vertebral bodies, comprising:

a handle;

a shaft operably connected to said handle;

a mounting member disposed at a distal end of said shaft;

a drive mechanism;

a power source operably connected to said drive mechanism; and

an abrading element mounted on said mounting member for movement by said drive mechanism, said abrading element having at least one abrading surface selected to create a predetermined surface contour in one of the adjacent vertebral bodies as said abrading element is moved by said drive mechanism.

50. (Previously Presented) The apparatus of claim 49 wherein said abrading element includes outwardly facing first and second abrading surfaces, and said first and second abrading surfaces are inclined related to one another.

51. (Previously Presented) The apparatus of claim 49 wherein said abrading element is detachable from said mounting element.

52. (Previously Presented) The apparatus of claim 49 wherein said drive mechanism is adapted to produce one of an oscillating rotation and a vibratory motion of the abrading element.

53. (Previously Presented) The apparatus of claim 49, wherein said drive mechanism is operable to move said abrading element in at least two degrees of freedom.

53. (Previously Presented) The apparatus of claim 49, including a suction mechanism for removing bits of debris created by said abrading surface of said abrading element.

54. (Previously Presented) The apparatus of claim 49, including an irrigation channel configured through said shaft for delivering irrigation fluid to the surgical site.

55. (Previously Presented) The apparatus of claim 49, including at least one stop member to limit the depth of travel of said abrading element into the spine.

56. (Previously Presented) The apparatus of claim 49, further comprising: a guide having an opening for providing protected access to the disc space and the adjacent vertebral bodies, said opening being configured for passage of said abrading element through said guide; and first and second disc penetrating extensions extending from said guide for insertion into the disc space between the adjacent vertebral bodies, each of said disc penetrating extensions having a portion for bearing against each of the adjacent endplates of the adjacent vertebral bodies, each of said portions of said disc penetrating extensions having an upper surface adapted to contact one of the adjacent endplates of the adjacent vertebral bodies and a lower surface adapted to contact the other of the adjacent endplates of the adjacent vertebral bodies, said portions of said disc penetrating extensions having a height between said upper and lower surfaces and a length sufficient to properly align and distance apart the adjacent vertebral bodies.

57. (Previously Presented) The apparatus of claim 56, wherein said upper and lower surfaces are parallel to each other along a substantial portion of the length thereof.

58. (Previously Presented) The apparatus of claim 56, wherein said guide has an external surface at its distal end and said disc penetrating extensions are at least in part coextensive with said external surface.

59. (Previously Presented) The apparatus of claim 56, wherein said disc penetrating extensions are diametrically opposed to each other and spaced apart from one another to provide access to the adjacent vertebral bodies from within the disc space.

60. (Previously Presented) The apparatus of claim 56, wherein the height of said disc penetrating extensions have at least a portion that approximates the height of a normal disc space between the adjacent vertebral bodies.

61. (Previously Presented) The apparatus of claim 56, wherein said disc penetrating extensions have a tapered leading end to facilitate placement of said disc penetrating extensions into the disc space, said portion of said disc penetrating extensions having opposite surfaces for bearing against the endplates of the adjacent vertebral bodies, said opposite surfaces diverging away from said guide along at least a portion of their length.

62. (Previously Presented) The apparatus of claim 56, wherein said upper and lower surfaces converge away from said guide along at least a portion of their length.

63. (Previously Presented) The apparatus of claim 56, wherein said guide conforms at least in part to the exterior surface of the adjacent vertebral bodies.

64. **(Currently Amended)** The apparatus of ~~claims 56-63~~ claim 56, further comprising means for penetrating the two adjacent vertebral bodies.

65. (Previously Presented) The apparatus of claim 56, said disc penetrating extension having a length greater than one-half the depth of the disc space measured from the anterior aspect to the posterior aspect of the disc space.

66. (Previously Presented) The apparatus of claim 56, wherein said guide has an interior having a cooperating surface for guiding a corresponding cooperating surface on said mounting member.

67. (Previously Presented) The apparatus of claim 56, further comprising an insert sized and shaped to match the space formed in the spine by said abrading element.

68.-116. (Canceled).